



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/775,003

02/09/2004

Dale F. McIntyre

80724PF-P

2518

7590

09/19/2006

Pamela R. Crocker
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/775,003	Applicant(s) MCINTYRE ET AL.	
	Examiner Naresh Vig	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-5 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has not positively claimed who establishes the association of service plans with a digital camera. From the claimed invention, it is not clear whether the invention associates plurality of service plans with a digital camera and the user selects one of the service plans from the plans associated with the digital camera, or, the user selects a digital camera and then selects a plan from available plans to be associated with the selected digital camera.

Applicant is claiming the limitation that the digital images captured using the digital camera is stored in accordance with the service plan associated with the digital camera on the same storage system. It is not clear whether applicant's invention stored these images in a common file where images from all digital cameras with same service will also be stored.

Applicant is claiming the limitation that the image storage system being accessible over a network. Applicant has not positively claimed whether the image storage system is remote from the camera, or, it is within the camera because it is

Art Unit: 3629

inherent that digital cameras comprise a storage system, and, applicant has not positively claimed uploading of the captured images from the digital camera to the image storage system.

Applicant's claimed invention is vague and indefinite because it is not clear that the images captured are first stored in the digital camera which is later uploaded to the image storage system, or, captured images are directly stored into the digital storage system.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are:

Uploading of captured images from the digital camera to the image storage system.

Using the associated service plan information to determine where to store the image on the image storage system.

How the stored images are grouped for each digital camera unless applicant's claimed invention is directed to a common place where all the images from all the users having the same service plane will be stored, wherein identification of which camera did the digital image came from is not critical, i.e. no user accounts.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In the present case, claim 1 only recites an abstract idea. The recited steps of merely enabling a plurality of users to each select a particular digital camera from a plurality of differently configured digital cameras, and, enabling the plurality of users to each select a service plan having a designated periodic fee, the plan being associated with the user's digital camera and relating to storage of digital images to be subsequently captured by the user's digital camera; storing, in a computer database, information identifying each of the plurality of digital cameras and its associated service plan produce a useful, concrete, and tangible result. In the present case, the claimed invention does not produce concrete and tangible results because, service plan associated with digital camera done by the provider of the digital camera may produce different results when the use selects a service plan to be associated with the digital camera after selecting the camera. For example, supplier of the digital camera may associate a more expensive premium plan with the higher end camera which a user may not select because the user does not want to pay more money for the premium plan, and may result in user selecting a different camera.

Claim Rejections - 35 USC § 103

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over an article "Internet Story" by Andrew Stringer hereinafter known as Stringer in view of an article "Digital Photography News Archive!" by Michael Tomkins hereinafter known as Tomkins and an article "Consumer Alert" by Mike Cox hereinafter known as Cox.

Regarding claim 1, Stringer teaches "Hewlett-Packard and Adobe Systems now in the business of online photography". Stringer teaches concept of storing digital images captured by the plurality of digital cameras on behalf of users. Stewart does not explicitly teach service provider also providing a plurality of digital cameras. However, Stewart teaches users owning digital cameras (i.e. cameras are provided by business for users to acquire (purchase, lease etc.) for taking digital images). In addition, a service provider also providing equipment to users to enable users to use the services is old and known in the art, for example, cellular service providers providing cellular phones. Tomkins teaches Moonlight Products providing cameras capable of uploading user captured images to web.

Therefore it would have been obvious at the time of invention to one of ordinary skill in the art to modify teachings of Stringer as taught by Tomkins to eliminate the need of local PC to upload images to web.

Stringer in view of Tomkins teaches:

Art Unit: 3629

enabling a plurality of users to each select a particular digital camera from a plurality of differently configured digital cameras (users are known to select cameras of their choice).

enabling the plurality of users to each select a service plan having a designated periodic fee (Stringer teaches periodic fee to be Free of Charge, however, charging a fee to provide services is old and known in the art. For example, cellular service providers are known to provide plurality of plans with their respective periodic rates from which user can make a selection from). Cox teaches concept of plurality of plans with periodic rates. It would have been obvious at the time of invention to one of ordinary skill in the art that cellular companies associate plans with the device which will be used by the user.

Therefore it would have been obvious at the time of invention to one of ordinary skill in the art to modify Stringer in view of Tomkins as taught by Cox to charge the users based on their usage requirements.

Stringer in view of Tomkins and Cox teaches:

plan being associated with the user's digital camera (device provided by service provider to the user) and relating to storage of digital images to be subsequently captured by the user's digital camera (applicant is claiming plurality of plans for users to use provided services as their invention);

storing, in a computer database, information identifying each of the plurality of digital cameras and its associated service plan (responded to earlier);

Art Unit: 3629

storing digital images captured using the plurality of digital cameras in accordance with the service plan associated with the digital camera which captured each digital image, wherein the digital images captured by each of the plurality of digital cameras are stored on the same image storage system, the image storage system being accessible over a network (taught by Stringer, Tomkins); and

billing each of the plurality of users on a periodic basis in accordance with the designated periodic fee for their selected service plan (taught by Cox).

Regarding claim 2, as responded to earlier, Stringer in view of Tomkins and Cox teaches concept of digital images uploaded by said plurality of users to said database over a communication network.

Regarding claim 3, as responded to earlier, Stringer in view of Tomkins and Cox teaches communication network comprises the internet.

Regarding claim 4, Stringer in view of Tomkins and Cox teaches periodic basis comprises monthly.

Regarding claim 5, Stringer in view of Tomkins and Cox does not explicitly teach periodic basis to comprise yearly (applicant is claiming annual billing cycle as their invention). However, is it old and known to one of ordinary skill in the art that businesses are known to provide annual billing as an option to their clients. For

Art Unit: 3629

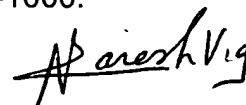
example, Insurance companies allow insurees to pay monthly, semi-yearly, annually etc.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig
Examiner
Art Unit 3629

September 11, 2006